

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 04-CR-81013
HON. GEORGE CARAM STEEH

D-1 MICHAEL AYOUB,

Defendant.

_____ /

ORDER DENYING DEFENDANT'S MOTION TO DISMISS
BASED ON LACK OF PROBABLE CAUSE (#14)

Defendant was indicted on December 9, 2004 on one count of being a felon in possession of a firearm, 18 U.S.C. § 922(g)(1), and one count of possession with intent to distribute marijuana, 18 U.S.C. § 841(a)(1). The charges resulted from the warrantless search of 5940 Steadman, Dearborn, Michigan, on August 11, 2004. Defendant moves to dismiss the indictment arguing there is a lack of probable cause to support the criminal charges in that the search of the residence, seizure of contraband therein, and incriminating statements made by defendant after his August 11, 2004 arrest were unlawful, thus warranting suppression of the evidence underlying the indictment.¹ A criminal defendant cannot as a matter of law challenge an indictment on the grounds that it is not supported by adequate or competent evidence. United States v. Williams, 504 U.S. 36, 51 (1992) (quoting Costello v. United States, 350 U.S. 359, 363-364 (1956)).

¹ Defendant filed a separate "Motion To Suppress Illegally Obtained Evidence" (#12) on June 9, 2005, which is not a subject of this Order.

Accordingly,

Defendant's motion to dismiss based on lack of probable cause is hereby DENIED.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: June 16, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on June 16, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk